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Agenda item 38
ELIMINATION OF APARTHEID AND ESTABLISHMENT
OF A UNITED, DEMOCRATIC AND NON-RACIAL
SOUTH AFRICA

SECURITY COUNCIL
Forty-eighth year

Note verbale dated 25 September 1993 from the Permanent Representative of India to the United Nations addressed to the Secretary-General

The Permanent Representative of India to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to enclose a statement made by the official spokesman of the Government of India on the lifting of sanctions against South Africa (see annex), with the request that it be circulated as a document of the General Assembly, under agenda item 38, and of the Security Council.

ANNEX

Statement made on 25 September 1993 by the official spokesman of the Government of India

The Government of India welcomes Mr. Nelson Mandela's announcement at the United Nations General Assembly on 24 September 1993 that irreversible progress towards a non-racial, democratic South Africa has been made. Simultaneously, the Commonwealth Secretary-General, after consulting member States, has determined that the conditions set out at the Harare Summit of 1991 have been fulfilled and trade and investment sanctions should now be lifted. In view of these encouraging developments, steps are being taken by the Government so that commercial and economic relations with South Africa are normalized.

All sides involved in the negotiation process have made their contribution, especially Mr. Mandela and President F. W. de Klerk, whose vision and perseverance have been crucial to the present outcome.

India recalls the long struggle of the people of South Africa to achieve human dignity and freedom. India has always stood firmly with them. India was the first to impose trade sanctions against South Africa, way back in 1946. Over the years, India has extended full support to the African National Congress and other liberation movements in South Africa.

As South Africa moves towards elections based on universal suffrage, India looks forward to a positive expansion in our mutual relations, which have been interrupted for so long and which have great prospects for the future.

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28 September 1993

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Draft resolution

The Security Council,

Recalling the statement made by the President of the Council, on behalf of the Council, on 31 March 1993 (S/25493) in connection with the Council's consideration of the item entitled "An agenda for peace: preventive diplomacy, peacemaking and peace-keeping",

Having considered the report of the Secretary-General of 27 August 1993 on the security of United Nations operations (S/26358),

Recalling the provisions of the Charter concerning privileges and immunities, and the Convention on the Privileges and Immunities of the United Nations, as applicable to United Nations operations and persons engaged in such operations,

Expressing grave concern at the increasing number of attacks and use of force against persons engaged in United Nations operations and resolutely condemning all such actions,

Welcoming the initiatives being taken in the General Assembly to consider the elaboration of new instruments relating to the security and safety of United Nations forces and personnel, and noting the Secretary-General's proposals in this regard,

1. Welcomes the report of the Secretary-General of 27 August 1993 on the security of United Nations operations (S/26358);

2. Encourages the Secretary-General to take forward those measures proposed in his report falling within his responsibilities with a view, in particular, to ensuring that security matters are an integral part of the planning for an operation and that any such precautions extend to all persons engaged in the operation;

3. Urges States and parties to a conflict to cooperate closely with the United Nations to ensure the security and safety of United Nations forces and personnel;

4. Confirms that attacks and use of force against persons engaged in a United Nations operation authorized by the Security Council will be considered interference with the exercise of the responsibilities of the Council and may require the Council to consider measures it deems appropriate;

5. Confirms also that if, in the Council's view, the host country is unable or unwilling to meet its obligations with regard to the safety and security of a United Nations operation and personnel engaged in the operation, the Council will consider what steps should be taken appropriate to the situation;

6. Determines that, when considering the establishment of future United Nations operations authorized by the Council, the Security Council will require inter alia:

(a) That the host country take all appropriate steps to ensure the security and safety of the operation and personnel engaged in the operation;

(b) That the security and safety arrangements undertaken by the host country extend to all persons engaged in the operation;

(c) That an agreement on the status of the operation, and all personnel engaged in the operation in the host country be negotiated expeditiously and should come into force as near as possible to the outset of the operation;

7. Requests the Secretary-General when recommending the establishment or renewal of a United Nations operation by the Security Council to take into account the provisions of the present resolution;

8. Decides to remain seized of the matter.

UNITED
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28 September 1993
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LETTER DATED 22 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO TO THE SECRETARY-GENERAL

I have the honour to refer to the letter dated 11 September 1993 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation and to the accompanying memorandum on points relating to the legal position of the Libyan Arab Jamahiriya with regard to Security Council resolutions 731 (1992) and 748 (1992), both of which were handed to you on 14 September 1993, and should be grateful if you would have them circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

Letter dated 11 September 1993 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the Secretary-General

I refer to Security Council resolution 731 (1992) concerning the requests addressed to the Great Socialist People's Libyan Arab Jamahiriya by the United States of America, the United Kingdom and France.

I also refer to the fact that the Great Jamahiriya has declared that it accepts the aforesaid resolution and that it is fully prepared to deal with it in a positive manner and in a spirit of concern to bring the truth to light and of respect for international legitimacy. You are fully informed, Mr. Secretary-General, of the measures the Great Jamahiriya has taken to implement the provisions of the resolution in question. We have notified you, through your Personal Envoy and by our numerous letters, that we have implemented all the provisions of the resolution except for a single point relating to the venue of the trial, and we believe that it is possible to reach a satisfactory solution on this matter if the States concerned will agree to sit down directly with the Great Jamahiriya to negotiate thereon in order to bring about a trial that is just and fair.

Since the three Western States continue to insist that the Great Jamahiriya has not complied with resolution 731 (1992), most recently in their tripartite declaration of 13 August 1993, the Great Jamahiriya and the attorneys for the two suspects deem it appropriate to submit to you a set of questions to be put to them and to the members of the Security Council with a view to seeking a definitive clarification of the understanding that the three Western States have of the resolution so that the Great Jamahiriya may see what, in their view, are the points that it has not implemented and so that the resolution will not remain impending and capable of being used to blackmail the Great Jamahiriya for a long time into the future.

The response of the three Western States to the questions of the attorneys for the two suspects can be of assistance in reaching agreement on the venue of the trial.

Accordingly, we hope that you will present these questions to the States concerned and to the members of the Security Council with a view to obtaining a precise response, and we hope this will be a step towards a mutual understanding on devising a peaceful and satisfactory solution to a problem into which my country has been thrust and which has become an instrument for blackmail.

(Signed) Omar Mustafa ALMUNTASSER
Secretary of the General People's Committee
for Foreign Liaison and International Cooperation

Enclosure

MEMORANDUM TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

We have the honour to present our compliments and should like to submit to you the following memorandum setting forth legal points relating to the legal position of the Great Jamahiriya on Security Council resolutions 731 (1992) and 748 (1992).

Security Council resolution 748 (1992) was adopted on 21 March 1992, and it imposed iniquitous and unwarranted sanctions on the Jamahiriya merely on grounds of suspicion that Libyan individuals had committed acts against an aircraft belonging to the Pan American company and an aircraft belonging to the French company UTA.

Since the adoption of that resolution, which does not accord with the general norms of international law or established customary principles approved by the international community, the Jamahiriya has been striving diligently, in all sincerity and good faith, to settle the dispute. The dispute is not one between the Jamahiriya and the international community or the United Nations but is a controversy precipitated by the United States of America, the United Kingdom and France because of their dissatisfaction with the role assumed by the Jamahiriya.

Support for the liberation movements of peoples and for their right to freedom and overall and independent development does not entail an adversarial relationship between the Jamahiriya and the peoples and Governments of the three States. Indeed, the Jamahiriya constantly declares that it is prepared to interact with these States and others on a basis of honour, dignity and respect for the principles of justice, equity and national sovereignty.

The role undertaken by the Jamahiriya was a necessary and natural one at the juncture at which it found itself and in the context of the international and regional parameters then prevailing. It was never the intention thereby to depart from the norms approved by the international community to govern its intercourse and regulate its actions.

It was also not intended thereby to harm the interests of particular peoples. The Jamahiriya has a profound belief that the real interests of all peoples of the Earth are one and the same, and it concedes that they have an equal right to contribute to building a better future for mankind as part of a philosophy of human brotherhood and the unity of the human race combined with respect for distinctive characteristics and particular identities.

On this basis, Libya endeavours in all sincerity and earnestness to promote links of friendship and cooperation with all nations and peoples without distinction or discrimination. It does not consider itself to be in a state of conflict or enmity with any country that respects its sovereignty and its freedom to pursue the policy that accords with an outlook and interests of its own that do not violate the freedom and interests of others.

Despite the legitimate reservations the Jamahiriya entertains with regard to Security Council resolution 748 (1992) and despite its objection to those of its provisions that violate domestic and international law and are in discord with the established customary norms in the field of international politics, the Jamahiriya has expressed its intention and demonstrated its readiness by both word and deed to end this dispute and to cooperate with the Security Council and the Secretary-General of the United Nations with a view to settling the conflict and, indeed, turning a new page in its relations with the three Western States that have placed themselves in an adversarial position with regard to the Jamahiriya without objective justification.

In this context, the Jamahiriya has made a point of officially notifying the Security Council and the Secretary-General of the United Nations of its readiness to cooperate with the Council in a positive and constructive spirit, not by yielding to dictation and compulsion from any quarter but out of a desire to remove a contrived and transitory dispute from the orbit of international relations, and especially so at a time when the international community is endeavouring to create a climate for the establishment of a new kind of world solidarity imbued with a spirit of peace, cooperation and justice.

In our estimation, any international order must be based on the firm establishment of principles of sovereignty and political, economic, social and cultural independence, on conceding the right of all peoples, great and small, rich and poor, to develop their societies, on respect for human rights and on strengthening the foundations of democracy in the way that each people chooses and that it deems appropriate to its own circumstances and situation.

To that end, the Secretary of the General People's Committee for Foreign Liaison and International Cooperation addressed to you a number of letters, and we specifically recall those dated 9 January 1992, 27 February 1992, 14 May 1992, 19 July 1992, 9 August 1992, 14 August 1992, 21 August 1992 and 8 July 1993, in which he notified you of the measures taken by the Jamahiriya with regard to organizations and individuals engaged in activities characterized as terrorism. These measures included the severance of any contacts with such elements, refraining from providing them with any assistance and the closure of the camps they had been using in any way.

The Secretary for Foreign Liaison also requested you to dispatch a technical mission to verify Libya's compliance with the resolution and with those obligations that it bears, together with the international community, for the repudiation of terrorism. To its surprise, however, the Jamahiriya received no response from the Security Council or the Secretariat of the United Nations to this logical and spontaneous offer.

The failure to keep the question under consideration and the abandonment of the idea of sending a mission to verify implementation of the resolution was a position that we interpreted at the time, and that we still interpret, as meaning that the Security Council was persuaded that the Jamahiriya had carried out all of the measures entailed by the resolution.

Despite the foregoing, we renew the invitation to you promptly to dispatch the mission in question.

The Jamahiriya has expressed its readiness to reach an acceptable formula for the implementation of the other provisions of the resolution, and, as you are aware, it has taken initiatives to approach the States that have adopted an adversarial stance towards it.

For all of the foregoing reasons, because of a conviction that intentions are worthy, seeking to manifest a sincere desire to cooperate and out of respect for international law, the position of the Jamahiriya has been characterized by sagacity, as the world may testify. The Jamahiriya had thus been expecting, as it had every right to expect, that the three States and the Security Council would take equivalent steps to end a dispute that has no sound historical or cultural basis.

It was, however, most regrettably surprised when the three States issued a joint declaration on 13 August 1993 in which they claim that Libya has not discharged its obligations. In light of all of the foregoing, Libya feels duty bound, as a law-abiding State Member of the United Nations, to place on record the following points:

I. THE POLICY OF DOUBLE STANDARDS

1. At the present delicate juncture in which the international community finds itself, it is astonishing that the United Nations, or the activist Powers in it, should employ two different measures or adopt a mode of procedure in which the application of double standards has the upper hand. It changes the policy it pursues and the rules it applies with the party being addressed, in the sense that it deals with particular States with firm resolve and pursues a policy of indifference towards States that have committed crimes and offenses hundreds of times worse than those attributed to others.

Libya is of the view - one shared by all third-world countries - that this policy will indisputably undermine the confidence of peoples in the Organization and in the new world order and the values that it proclaims and invokes. We have no need to refer to the cases that demonstrate that a policy of double standards has been pursued in recent years.

2. The double standards embraced by the Security Council have led to a duality in the way matters are taken up and a selectivity in the way they are handled, thereby violating the rules of justice and equity on which international law is based and the provisions of the Charter of the United Nations.

3. At a time when, on an important issue, sponsorship is offered to and direct negotiations are imposed on the Palestinians and Israel, the parties concerned refuse to sit down and negotiate with the Jamahiriya. Why do these same parties refuse to adopt the method of direct negotiations to resolve all their differences with the Jamahiriya?

4. On the night of 15 April 1986, the Great Jamahiriya was subjected to unprovoked armed military aggression aimed against the life of Colonel Muammar Qaddafi, Leader of the Revolution, the members of his family and other innocent and defenceless persons and carried out by a great Power that is a permanent member of the Security Council.

Despite that aggression and its persistence in the form of an economic embargo, and despite the fact that it was in breach of international law, the Security Council did not adopt a stance condemning the use of force against an independent sovereign State and a Member of the United Nations.

5. There is eagerness for the implementation of Security Council resolutions relating to the imposition of sanctions on the Jamahiriya, but no similar eagerness for the implementation of the dozens of resolutions adopted by the same Council on the question of Palestine.

Why is there so much stress on the implementation of resolution 731 (1992), while the implementation of resolutions 425 (1978) and 799 (1992) is ignored? Israel has proceeded to implement resolution 799 (1992), requiring the immediate return of the deportees, in the manner it saw fit, and the Security Council has had no objection to make.

In relation to resolution 731 (1992), why is the Jamahiriya not treated as Israel was treated in the matter of the implementation of resolution 799 (1992)?

Does this not constitute discrimination in the way Members of the United Nations are treated? And can it not be regarded as the application of two different standards by the body that has particular responsibility for the maintenance of security?

6. Would the United States of America and the United Kingdom agree and would they give official undertakings to accede to a request from the Great Jamahiriya in the event that the Libyan judicial authorities were to seek to question and bring to trial nationals of those countries who planned and participated in the murder of innocent citizens in the armed aggression of 1986? Similarly, what possibility is there of the extradition of those who undertook the training of criminal elements who have committed murder and sabotage in the territory of the Great Jamahiriya and those responsible for the forcible abduction of Libyan nationals from Chad?

7. As a result of the sanctions imposed by the Security Council under resolution 748 (1992) and of the prohibition on the supply to Libya of replacement parts for aircraft for purposes of maintenance, an aircraft of Libyan Arab Airlines, flight number 1103, crashed on an internal flight from Benghazi to Tripoli in 1992 taking the lives of 157 innocent persons.

The Jamahiriya, on the grounds of mere suspicion of two persons whose guilt has not been established, has sustained losses of more than 3 billion dollars and has lost the lives of 630 innocent people owing to the shortage of vaccines, in travel-related mishaps and because of other difficulties.

8. The Jamahiriya is astonished at the insistence of the three States on acting in the framework of Chapter VII of the Charter of the United Nations with regard to incidents in which the proximate or remote involvement of any Libyan elements has not been established. At the same time, the provisions of Chapter VII are not applied in dealing with the State of Israel, which commits crimes and atrocities that are condemned by the entire international community and are incompatible with the most elementary norms of law and legitimacy.

II. THE LEGAL POSITION (DOMESTIC AND INTERNATIONAL) ON THE QUESTION OF EXTRADITION

It is perhaps superfluous to recall that the requests from the States in question for the extradition of the two suspects holding the citizenship of the country from which extradition is requested meet with many legal obstacles, the most significant of which can be summarized as follows:

1. Article 1, paragraph 3, of the Charter of the United Nations states that one of the Purposes of the United Nations is "To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights". It is clear that the Organization is committed to the application of this text, and it is therefore necessary to give precedence to human rights over all other considerations. World peace can be achieved, according to the United Nations philosophy, only by respect for human beings.

In other words, justice at the domestic and international levels must not be achieved at the cost of denying human rights.

Accordingly, in its concern that legitimacy be respected, the Jamahiriya is prepared to implement Security Council resolutions whenever they are compatible with the provisions of the Charter and of international law and can be interpreted in conformity with them.

2. Security Council resolutions 731 (1992) and 748 (1992) can be legitimized and their implementation thus honoured only in light of their legitimacy vis-à-vis the provisions of international law and human rights legislation.

Under the provisions of the Charter, the Security Council is legally entrusted with a fundamental task that relates to respect for international law, not to its breach and violation.

How is it conceivable that the Jamahiriya should be obliged to extradite its nationals with all that that entails in terms of violating Article 2, paragraph 7, of the Charter, which establishes the principle of non-intervention in the domestic jurisdiction of Member States?

3. The two resolutions, as a whole and in their various parts, run into a number of problematical legal issues raised by the matter of Libyan State sovereignty. The most significant of them are:

(a) The impermissibility of the extradition of a person holding citizenship of the State (Libyan Penal and Criminal Procedure Code);

(b) The absence of an agreement between the parties concerned governing rules of extradition;

(c) The accession of the Jamahiriya to all of the international human rights covenants prevents it from taking measures that may void human rights guarantees to a just and fair trial.

4. How can there be extradition in the absence of an extradition agreement between the parties concerned and while there is an international agreement in force that is binding on all the parties (the 1971 Montreal Convention) and makes extradition subject to the legislation of the State requested without according any priority or pre-eminence to the jurisdiction to the aircraft's flag country (the United States of America) or the country in which the act took place (Scotland)? All of this goes to support the Libyan proposal that a trial in a third country should be accepted.

5. How is it possible to accede to a request for the extradition of the two suspects on the mere basis of preliminary and undisclosed inquiries carried out by one State or by two States without the State from which extradition is requested verifying the existence of sufficient evidence for the charge?

The intense media campaigns, the atmosphere of hostility surrounding the two suspects, the attacks on the Arabs in general and Libya in particular and official declarations and statements asserting that the two suspects were responsible, all are factors that dissipate any hope of a just and fair trial. They consequently prevent the Security Council resolutions from being interpreted to mean that the Great Jamahiriya has an obligation to extradite. To accept in principle the extradition of the two suspects might void a basic legal guarantee in the field of human rights to a just and fair trial.

It can be expected that a trial that may take place in another State that is an adversary of that of the two suspects will not provide the minimum guarantees, even if it is maintained otherwise, since the relations of the parties to the dispute are marked by certain manifestations of tension, hostility and an accumulated series of media campaigns.

These factors, constituting the environment in which the trial would take place, have created an unsuitable climate for justice to be served and circumstances that cannot be characterized as congenial to ensuring a just and fair trial.

If we add to this the legal character of the jury system, there is a clear danger in adopting the principle of extradition of voiding the guarantee of a just and fair verdict.

6. The Security Council and the International Court of Justice are counterbalanced and complementary organs of the United Nations. In light of Article 36, paragraph 3, of the Charter of the United Nations, the jurisdiction of the International Court of Justice may be invaded, and it is not conceivable or possible that the resolutions of the Security Council should be interpreted as imposing the obligation to extradite and thus obstruct or prevent the Court from performing its role in the settlement of the dispute.

7. The Jamahiriya is not prepared to accept any infringement of its sovereignty, independence and freedom of decision. It further refuses to be drawn into any action that gives rise to the creation of a dangerous precedent that may have adverse repercussions on international relations as a whole.

Libya shall not yield to pressure and shall not be intimidated by threats of sanctions or of the strengthening of sanctions. No price can be set on the

freedom of peoples, and we are prepared to bear all the consequences of safeguarding the dignity of our nation and its people as long as we believe that we are acting within the bounds of law and legitimacy.

8. The Jamahiriya cannot accept offense to the dignity of the Libyan people or any of its members, because it is of the view that its basic mission is to protect that dignity and impose respect for it.

On the basis of the foregoing, the Jamahiriya refuses to compel two of its nationals to extradite themselves to a foreign country that adopts a hostile and adversarial stance towards their own and renders a prior verdict on their guilt before it is established at a judicial trial providing adequate guarantees and sheltered from political or cultural chauvinism.

9. In view of the fact that there is no agreement in force between the Jamahiriya and the United States or the United Kingdom for the extradition of offenders, Libya is unable to compel the two suspects to extradite themselves to either country. It remains for them to decide by their own free will whether they will present themselves to the legal jurisdiction of either of the two countries.

III. SUPPOSITION THAT THE TWO SUSPECTS WILL CHALLENGE THE CHARGES AGAINST THEM AND AGREE TO APPEAR BEFORE A FOREIGN JURISDICTION

1. It may be possible for the two suspects to take the initiative of proceeding to a foreign country, without specification or exclusion, and appear before the judicial authorities to challenge the unjust charge against them and secure their acquittal in a just and fair trial unaffected by political influences and media campaigns that would prejudice the fairness of the trial and place it outside the domain of law and legal guarantees. It may be appropriate for us to notify you that the two suspects have informed us that they have recently appointed a team of attorneys in Scotland and England. They have requested this team, together with the attorneys who represented them in the United States in the past, to take the necessary measures to challenge the legal competence of either country to provide them with a fair trial.

The two suspects base this move on the obvious fact that there has been widespread advance media condemnation, which would make it impossible to select an impartial and uninfluenced jury in either country.

It goes without saying that in the event this move succeeds it will automatically imply the removal of any basis for strengthening the sanctions imposed on the Jamahiriya. Strengthening the sanctions would necessarily bring about the prejudgement of matters pending before the judicial authorities in the two countries, and this would further prejudice the position of the two suspects, who have already sustained much harm, and violate their human rights.

Through their representatives, the two suspects have raised a number of questions, and we submit them hereunder on their behalf in the hope that the answers provided to them will have a role in their adoption of a positive decision.

Assuming that their appearance before a foreign jurisdiction is possible and that it will take place and be on their own responsibility and not that of the Libyan State, what are the answers to the questions set forth hereunder, which may be provided by the two States concerned and the Security Council directly to the Jamahiriya or through the Secretary-General of the United Nations?

Are the answers to the questions posed to be considered as legal and political guarantees provided to the two suspects and their defence team?

1. Does the State concerned to which the two suspects would proceed in order to appear before a just and fair tribunal undertake to conduct the trial in a legal framework removed from the influence of political factors?

2. Does this State undertake not to conduct an inquiry with the two accused outside the purview of the court so that the two suspects are not subjected to questioning by other agencies such as domestic or foreign intelligence police?

3. Does the State undertake not to exert any physical or mental pressures on the two suspects while they are in detention during the trial?

4. Will the two suspects be guaranteed that no question will be addressed to them and no measures taken other than in the presence of the defence team appointed by them?

5. Does the State concerned undertake to allow representatives of the defence team, the Secretariat of the United Nations, the secretariat of the League of Arab States and the secretariat of the Arab Lawyers' Union to visit the suspects at their place of detention during the trial in order to ascertain that they have not been subjected to torture, pressure or coercion?

6. Does the State undertake not to offer any inducements or specific deals to the two suspects that may tend to alter the truth, or to render a reduced sentence or consider them State's witnesses if they should make certain admissions?

7. Does the State undertake that no individual apart from its own judicial officials will participate in the reception of the two suspects and that, in any event, this will take place only in the presence of representatives of the defence team?

8. How will the defence team for the two suspects ascertain the suitability of the persons proposed as prospective members of the jury that may decide the facts without prejudgement and uninfluenced by the images imprinted on their minds?

9. Does the State undertake that the trial will be in public and that the two suspects shall have the right to defend themselves, directly or through the defence team, in all stages of consideration of the case?

10. What would happen should the jury be unable to reach a verdict of guilty or not guilty?

11. Does the State undertake that the trial will be restricted to the incidents connected with Pan American flight 103 and will not go beyond them to include other incidents or other charges?

12. Does the State undertake to allow the two suspects to leave its territory and return to their homes on the same day a verdict of innocent is rendered or on completion of execution of the penalty against them should their guilt be proved? In this event, and in the event of a judgement for compensation that they are unable to pay, there shall be no liability for the Jamahiriya, which will not have been on trial, and thus its assets may not be placed at risk.

13. Does the State concerned undertake not to extradite the two suspects to another State under any pretext and for whatever reason?

14. Does the State undertake to ensure the two suspects the right to request a retrial, if the law applied therein permits retrial, or to appeal against the verdict?

15. Supposing that the prosecuting authorities wished to prefer charges against other persons in the same case or to prefer charges against the same two suspects in respect of other incidents, would the United States of America and the United Kingdom undertake to accept that consideration of such fresh charges should take place outside the framework of Security Council resolutions 731 (1992) and 748 (1992)?

16. In the absence of a bilateral agreement between the parties that regulates relationships between different legal systems, how can procedures be established to enable the two to appear before a foreign jurisdiction?

17. What legal, social and cultural guarantees are there to ensure just and fair investigation procedures and trial, for example guarantees relating to the non-subjection of the two to police procedures, respect for their cultural and religious identity, regard for health conditions and the facilitation of daily communication with their families?

18. What is the role of the Secretary-General of the United Nations and of the United Nations itself in determining the procedures for the appearance of the two suspects before a foreign jurisdiction and the aforementioned guarantees relating to the investigation and trial?

19. The international covenants relating to human rights legislation have without exception set forth the judicial obligations that States assume in order to ensure respect for the rights they embody, and they have done so by stipulating them explicitly. Most of them refer to the obligation of all States:

"To ensure that any person shall have an effective legal or administrative remedy in the event of any violation of the rights and freedoms established in the covenants, notwithstanding that the violation has been committed by persons acting in an official capacity."

The right of litigation is one of the most important mechanisms for ensuring human rights. It is, indeed, the most important of all, since rights have no meaning without the possibility of litigation to compel respect for them.

At all events, the matter requires that negotiations be conducted under the auspices of the Security Council, represented in the person of the Secretary-General or his representative, at United Nations Headquarters in New York or at Geneva, in order to draw up the necessary terms and guarantees for the inquiry and trial procedures. There should also be negotiations among the prosecuting and trial authorities, in any country satisfactory to the two accused, in the presence of their legal representative and under the supervision of the Secretary-General of the United Nations, to establish the terms necessary for their voluntary appearance.

IV. CLARIFICATIONS AND GUARANTEES REQUESTED BY THE JAMAHIRIYA

As a member of the international community and a State that respects international law and the obligations stemming from the Charter, the Jamahiriya deems itself obliged to pose a set of questions that revolve around the legal and political guarantees that the two States or the Security Council, directly or through the Secretary-General of the United Nations, may undertake to provide.

The guarantees and clarifications that the Great Jamahiriya is requesting are such as to assist in facilitating the task of applying national and international law and to bring the question in dispute to a definitive end.

With respect to these questions, we should like to address the following points:

1. Do the two States concerned undertake to request the Security Council to lift the sanctions imposed on Libya under resolution 748 (1992) immediately on arrival of the two suspects in the jurisdiction of the court that will consider the case, without awaiting the completion of the trial proceedings or the rendering of a verdict?

2. Do the two States undertake not to claim that Libya has not discharged its obligations, particularly with respect to those entailed by resolution 748 (1992) and particularly in the field of terrorism in accordance with the text of paragraph 2 of that resolution?

3. Should either of the two States have reservations in this regard, what precisely in their view is required of the Jamahiriya for it to demonstrate that it has discharged this obligation in full?

4. Do the two States undertake to enter into dialogue with the Jamahiriya on the normalization of relations and the elimination of the remaining factors that cloud them immediately on arrival of the two suspects in the jurisdiction of the court at which the trial will take place?

5. Do the two States agree to cooperate with the Jamahiriya immediately on commencement of the trial in adopting the necessary measures with the Libyan or foreign elements concerning which the Jamahiriya has evidence of their involvement in sabotage or terrorist activities that jeopardize the interests of the Libyan State or of its nationals?

6. Do the two States agree that, after the appearance of the two suspects before the court, the role of the Security Council shall be restricted to the lifting of sanctions and shall not extend to monitoring the progress of the trial proceedings or any other aspects?

7. It is clear from a reading of Security Council resolution 731 (1992) that it accuses the Great Jamahiriya, in a general and vague manner, of acts of terrorism and assistance to terrorism.

Assistance by the Great Jamahiriya to certain liberation organizations was provided on the basis of our belief in freedom and the right of peoples to self-determination. This is in conformity with the resolutions adopted by the United Nations General Assembly at successive sessions on the need to support liberation movements and to promote the right of peoples to self-determination.

In the absence of an international agreement defining the concept and bounds of terrorism, certain actions may be interpreted and cooperation with certain liberation movements may be characterized as terrorism by some parties without there being any basis in international law for doing so.

In this connection, the Great Jamahiriya has declared on a number of occasions and in numerous communications that it has implemented resolution 731 (1992) as it relates to the charge against it having supported and assisted groups suspected of engaging in terrorist activities. The letters and statements of the Great Jamahiriya on this matter have documented this fact to the United Nations.

As an additional manifestation of good faith on the part of the Great Jamahiriya, in its appreciation of the role of the Security Council, and in its desire to cooperate with the United Nations and its Secretary-General in promoting the norms of international cooperation and world peace, the Great Jamahiriya requested that a United Nations mission be dispatched to verify its implementation of resolution 731 (1992) as it relates to terrorism, but this request was not granted. Do the two States concerned undertake not to characterize the Jamahiriya as a State that supports groups whose activities are said to constitute terrorism?

8. In their declaration of 13 August 1993, the three States reiterate that they have no hidden agenda against the Jamahiriya, meaning that they have no intention of intervening in the internal affairs or interfering with the political and economic choices of the Libyan Arab people, and that, on the

contrary, upon implementation by the Great Jamahiriya of resolution 731 (1992) the conditions would be met for the lifting of the sanctions imposed.

To what extent are the three States prepared to affirm that this is a commitment they will fulfil within the Security Council on discussion of the lifting of the measures of compulsion against the Great Jamahiriya?

9. The Jamahiriya understands from the declaration of the three States issued on 13 August 1993 that it contains a modification of the demands set forth in the declaration of 27 November 1991 contained in document S/23308. Will the appearance of the two suspects on their own initiative be regarded as compliance with the requests of these States and lead to the immediate lifting of the compulsory sanctions imposed?

The Jamahiriya hopes to receive your reply to these questions as quickly as possible so that it may communicate it to the legal representatives of the two suspects before they make their decision on the matter and so that the Jamahiriya may determine its future steps at the proper time and without delay.

In conclusion, we request you to have this letter circulated as a document of the Security Council.

We must convey to you our sincere gratitude and appreciation for your active role in safeguarding international legitimacy, promoting the principles of justice and law and protecting international peace and security.

UNITED
NATIONS

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General Assembly
Security Council

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A/48/445
S/26501
28 September 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda items 79, 91 (j), 94, 95 and 146
REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY
DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION: INTEGRATION OF THE ECONOMIES IN TRANSITION INTO THE WORLD ECONOMY
OPERATIONAL ACTIVITIES FOR DEVELOPMENT
INTERNATIONAL COOPERATION FOR ECONOMIC GROWTH AND DEVELOPMENT
REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

SECURITY COUNCIL
Forty-eighth year

Note verbale dated 27 September 1993 from the Permanent Representative of Bulgaria to the United Nations addressed to the Secretary-General

The Permanent Representative of the Republic of Bulgaria to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the text of a declaration adopted by the National Assembly of the Republic of Bulgaria on 24 September 1993 regarding the special economic problems of Bulgaria as a result of the implementation of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (see annex).

The Permanent Representative of Bulgaria would appreciate it if the text of the present letter and its annex were circulated as an official document of the General Assembly, under agenda items 79, 91 (j), 94, 95 and 146, and of the Security Council.

ANNEX

Declaration adopted by the National Assembly of the Republic of Bulgaria on 24 September 1993

On 29 April 1993, the National Assembly of the Republic of Bulgaria adopted a declaration in support of the sanctions imposed by the Security Council in its resolution 820 (1993) of 17 April 1993 against the Federal Republic of Yugoslavia (Serbia and Montenegro).

In its recommendations of 2 July 1993, the Security Council Committee established pursuant to resolution 724 (1991) of 15 December 1991 concerning Yugoslavia commended Bulgaria for its strict compliance with the relevant Security Council resolutions.

The Helsinki Declaration adopted by the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (CSCE) at its annual session (Helsinki, 5-9 July 1993), calls upon the CSCE and its participating States to contribute to the practical compensation, in appropriate forms, of the losses sustained by Bulgaria and other countries as a result of the strict implementation of the United Nations sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

Guided by its responsibility for upholding the high principles of the United Nations, Bulgaria implements strictly the Security Council resolutions with regard to the Federal Republic of Yugoslavia (Serbia and Montenegro) and will continue to do so in the future, despite the immense economic difficulties caused by the sanctions.

Along with this, the National Assembly noted that over the past three years, as a result of the sanctions of the international community against Iraq, Libya and the Federal Republic of Yugoslavia (Serbia and Montenegro), Bulgaria suffered and is still suffering enormous losses, which are to a large degree commensurate with the size of its foreign debt. These losses are aggravating the severe economic crisis the country is undergoing during the period of transition to a market economy. Unless ways are found to compensate for them, they will have a very serious negative effect on the economic development of Bulgaria for years to come.

Bearing in mind that the economic sanctions represent the last peaceful means of compelling the parties to observe the decisions of the international community, which will obviously be made use of in the future as well, the Bulgarian Parliament calls upon the General Assembly to speed up the elaboration of an effective mechanism for the implementation of Articles 49 and 50 of the Charter of the United Nations with a view to compensating for the losses of third countries incurred by the application of economic sanctions.

The Bulgarian National Assembly invites the international political and financial institutions to develop and implement measures for indirect compensation of the countries most severely affected by the sanctions. As regards Bulgaria, these measures could include:

(a) Providing facilitated and preferential access of Bulgarian goods and services to the markets of the industrialized countries;

(b) Financing long-term projects aimed at considerably improving the infrastructure;

(c) Encouraging Bulgaria's creditors to conclude agreements for the reduction and rescheduling of the country's foreign debt;

(d) Channelling international assistance and financial resources for the reconstruction of the economic structure of the former Yugoslav republics, which could be provided after the sanctions regime is lifted, through Bulgaria by making use of Bulgarian companies for the supply of goods and services;

(e) Adopting concrete measures on the part of the Governments of the industrialized countries aimed at promoting foreign investment in Bulgaria, as well as facilitating Bulgaria's access to sources of credit.

Highly appreciating the recommendations with regard to Bulgaria, made by the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, the National Assembly of the Republic of Bulgaria calls upon the General Assembly to draw the attention of the Member States, international organizations and financial institutions to the need for urgent and effective assistance to overcome the serious losses which Bulgaria suffers.

This Declaration was adopted by the XXXVI National Assembly of the Republic of Bulgaria on 24 September 1993.

UNITED NATIONS **A S**

General Assembly
Security Council

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A/48/455
S/26502
29 September 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda items 34 and 35
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-eighth year

Letter dated 29 September 1993 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

I have the honour, as Chairman of the Coordinating Bureau of the Non-Aligned Movement, to enclose herewith the statement adopted by the Committee on Palestine of the Non-Aligned Movement at its Ministerial Meeting on 28 September 1993 in New York (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under agenda items 34 and 35, and of the Security Council.

(Signed) Nugroho WISNUMURTI
Ambassador
Permanent Representative

ANNEX

Statement of the Committee on Palestine of the Non-Aligned Movement at its Ministerial Meeting, held at New York on 28 September 1993

The Chairman of the Non-Aligned Movement, H.E. President Soeharto, called for the convening of the meeting of the Ministers and Heads of Delegations of the members of the Committee on Palestine of the Non-Aligned Movement in New York on 28 September 1993 to consider the important and momentous developments, which recently took place, relating to the question of Palestine.

The Committee met under the chairmanship of H.E. Mr. Ali Alatas, the Foreign Minister of Indonesia, and was attended by H.E. Mr. Farouk Kaddoumi, Foreign Minister of Palestine, H.E. Mr. Mohamed Salah Dembre, Foreign Minister of Algeria; H.E. Mr. A. S. M. Mustafizur Rahman, Foreign Minister of Bangladesh; H.E. Mr. Roberto Robaina Gonzalez, Foreign Minister of Cuba; H.E. Mr. Dinish Singh, Minister of State for External Affairs of India; H.E. Dr. Nathan M. Shamuyarira, Foreign Minister of Zimbabwe; H.E. Mr. Keba Birane Cisse, Permanent Representative of Senegal to the United Nations in New York; H.E. Dr. M. Nasser Al-Kidwa, Permanent Observer for Palestine to the United Nations in New York; and H.E. Mr. Albert M. Muchanga, Deputy Permanent Representative of Zambia to the United Nations in New York.

The Committee was briefed on the recent developments, in particular the signing on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements between the Palestine Liberation Organization and the Government of Israel leading to a permanent settlement based on Security Council resolutions 242 and 338.

The Committee welcomed that important step and expressed the hope that the declaration will be fully implemented. They expressed their support for the Palestine Liberation Organization, the representative of the Palestinian people, in its efforts to build a Palestinian national authority on Palestinian soil, including Jerusalem, towards the establishment of an independent Palestinian state. The Committee emphasized the need for the early commencement of the permanent status negotiations on the basis of international legitimacy, which shall cover the remaining issues, including: Jerusalem refugees, settlements, security arrangements, borders, relations and cooperation with other neighbours, and other issues of common interest. The Committee also hailed the sacrifices made by the Palestinian people in their long struggle to achieve their inalienable rights, and reaffirmed the position of principle of the Non-Aligned Movement in support of the implementation of those inalienable rights.

The Committee stressed the need to expeditiously take further steps with regard to the Arab-Israeli conflict, which are essential for the achievement of a comprehensive, just and lasting peace in the Middle East, which include the withdrawal of Israel from all the occupied Palestinian and other Arab territories including the Syrian Golan Heights, Southern Lebanon and Jerusalem.

The Committee further reaffirmed the permanent responsibility of the United Nations towards the question of Palestine until it is solved in all its aspects,

and stressed the need for an effective and broad role for the United Nations in the peace process and in providing all kinds of assistance to the Palestinian people. The Committee welcomed the steps taken by the Secretary-General of the United Nations in this regard.

The Committee decided to continue to monitor closely the developments concerning the implementation of the Declaration of Principles in accordance with its mandate.

UNITED
NATIONS

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General Assembly
Security Council

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A/48/456
S/26503
29 September 1993
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 38
ELIMINATION OF APARTHEID AND ESTABLISHMENT
OF A UNITED, DEMOCRATIC AND NON-RACIAL
SOUTH AFRICA

SECURITY COUNCIL
Forty-eighth year

Letter dated 29 September 1993 from the Chargé d'affaires a.i.
of the Permanent Mission of Madagascar to the United Nations
addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the text of a message dated 27 September 1993 from His Excellency Mr. Albert Zafy, President of the Republic of Madagascar, addressed to His Excellency Mr. Frederik W. de Klerk, President of the Republic of South Africa (see annex).

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly, under agenda item 38, and of the Security Council.

(Signed) Noël RAKOTONDRAMBOA
Chargé d'affaires, a.i.

ANNEX

Text of a message dated 27 September 1993 from the President of the Republic of Madagascar addressed to the President of the Republic of South Africa

I have just learned that, on 23 September 1993, the South African Parliament voted to approve the legislation on the establishment of the Transitional Executive Council, thereby opening the way to a democratic government in South Africa. This has enabled the President of the African National Congress, Mr. Nelson Mandela, during his statement to the Special Committee against Apartheid in the United Nations General Assembly Hall on 24 September last, to call for the lifting of the economic sanctions against South Africa.

In view of this happy development, which will certainly benefit international stability and the development of our region, I have the honour and the pleasure to convey to you, on my own behalf and on behalf of the Government and people of Madagascar, our sincere congratulations.

Like the international community, the people of Madagascar are closely monitoring events in South Africa and are encouraging the various parties to find promptly ways and means of establishing a united, democratic and non-racial South Africa.

(Signed) Albert ZAFY
President of the Republic of Madagascar

UNITED NATIONS **S**

Security Council

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S/26504
28 September 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 21 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith information relating to the impact of the economic embargo on the health of Iraqi citizens, updated for August 1993.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

93-52889 (E) 041093 041093

Annex

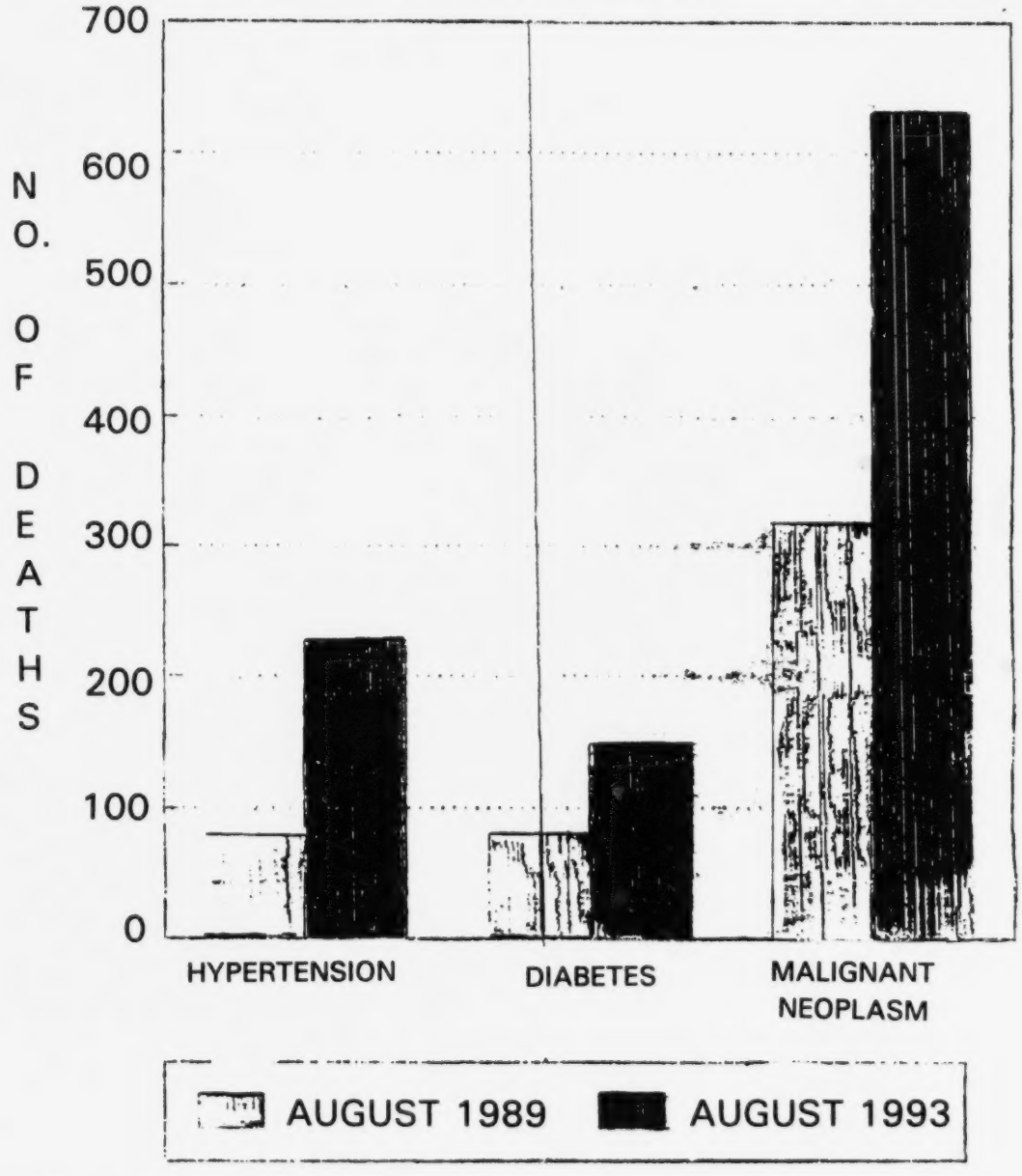
Under-5 mortality

Period	Condition					
	Diarrhoea		Pneumonia		Malnutrition	
	Deaths	Rate of increase	Deaths	Rate of increase	Deaths	Rate of increase
August 1989	159	-	53	-	90	-
August 1993	1 960	1 132.7%	684	1 190.5%	1 915	2 027.7%

Over-50 mortality

Period	Condition					
	Hypertension		Diabetes		Malignant neoplasm	
	Deaths	Rate of increase	Deaths	Rate of increase	Deaths	Rate of increase
August 1989	81	-	81	-	316	-
August 1993	227	180.2%	148	82.7%	631	99.6%

OVER-50 MORTALITY DUE TO EMBARGO -
SELECTED CAUSES



VITAL & HEALTH STATISTICS DEPT.

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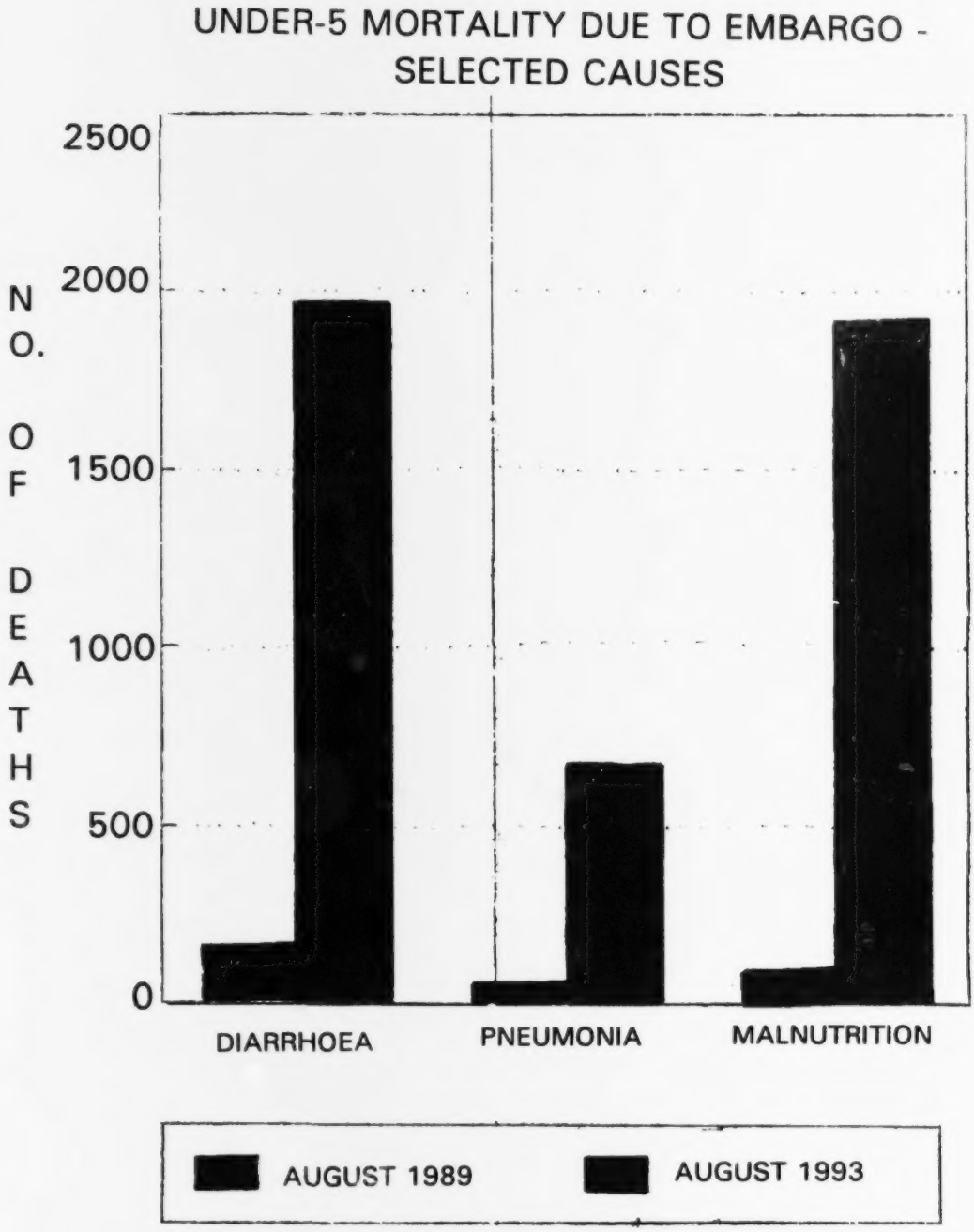

VITAL & HEALTH STATISTICS DEPT.

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30 September 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda items 34 and 35
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-eighth year

Letter dated 29 September 1993 from the Permanent Representative of Brunei Darussalam to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the statement by the Government of Brunei Darussalam on the signing of the Agreement of Mutual Recognition and the Declaration of Principles on Interim Self-government Arrangements between the Palestine Liberation Organization and Israel (see annex).

I should be grateful if the text of the statement could be circulated as a document of the General Assembly, under agenda items 34 and 35, and of the Security Council.

(Signed) Pengiran Abdul MOMIN
Permanent Representative

ANNEX

Statement by the Government of Brunei Darussalam on the signing of the Agreement on Mutual Recognition and the Declaration of Principles on Interim Self-government Arrangements between the Palestine Liberation Organization and Israel

The Government of Brunei Darussalam welcomes the Agreements signed between the Palestine Liberation Organization and Israel. Brunei Darussalam considers them to be the start of a process which should lead to an eventual restoration of the Palestinians' legitimate rights and a comprehensive settlement in the Middle East in accordance with the relevant United Nations resolutions.

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NATIONS

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A/48/458
S/26506
30 September 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 54
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-eighth year

Letter dated 24 September 1993 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I have the honour to refer to our previous communications (A/47/536-S/24667, A/47/856-S/25063 and A/47/999-S/26288) concerning the demographic structure of the Cypriot Communities and the systematic and relentless implantation of settlers from mainland Turkey in the occupied areas of Cyprus, and the statement circulated by the Government of Turkey (A/47/1007-S/26369) in an effort to divert public opinion from their flagrant violations. The evidence of this policy is contained in the above documents and I am sure that the international community needs no further proof of this persistent disregard and defiance of international legality.

At this stage, my delegation would confine itself only to making available extracts from the Turkish Cypriot press on this issue to reveal the extent of the colonization of Cyprus and the legitimate concern express by the Turkish Cypriots themselves, who are also victims of such a distortion of the demographic structure of the occupied part of Cyprus.

1. Kibris - 6 August 1993

"The occupying regime has lifted the use of 'entry cards' for those who travel from Turkey to the occupied area and, therefore, the regime cannot know the purpose of travellers in the occupied area." The paper recalls that the use of passports was lifted in the past and now the regime lifted the "entry cards" as well in order to "ease travelling" to the occupied area.

In a speech he made in the occupied village of Peristeronari, "the CLP leader Mustafa Akinci said that a robbery takes place every five hours in the occupied area". He added that "this was a result of the abolition of passport control. Many people arrive in the occupied area for a few days for robberies or thefts."

The paper says that, "according to the 'Immigration Department' of the occupying regime, only the numbers of those entering are kept, but no details

regarding the travellers. During the first six months of the year, 185,926 people arrived in the occupied area, of whom 66.1 per cent were citizens of Turkey, 19.28 per cent 'citizens' of the occupying regime, 6.27 per cent British and the rest 8.35 per cent from various countries. During the same period, 188,900 persons left the occupied area. The majority of them, 124,436 were citizens of Turkey, 37,646 were 'citizens' of the pseudostate, 11,097 were British and 15,721 from other countries. Nobody knows the purpose of the visit of anyone of these people" concludes Kibris.

2. Yeniduzen - 12 August 1993

"Ozker Ozgur on changing the demographic structure of the occupied area

"Two German Professors, Dr. Hanshorg Brey and Dr. Gunther Heinritz, conducted research about the demographic structure of north Cyprus. They collected their findings under the title 'Population movement in Cyprus in the light of statistical distortions'.

Kutlu Adali, in his corner in Yeniduzen, published excerpts from this article translated by Dr. Ahmet An.

"The German scientists calculated that the population increase in north Cyprus between 1974-1990 was 39.6-48.4 per cent. This unnatural population increase has been justified by former 'TRNC Foreign Minister' Vedat Celik by saying that it was due to the repatriation of the Turkish Cypriots living in Britain and other countries.

"However, according to statistical figures provided by the Police General Directorate, published in Yeniduzen (15 February 1989), 18,862 people left Cyprus between 1974-1977. And the number of Turkish Cypriots who emigrated between 1974-1989 is 28,184. So the questions is not, as Vedat Celik said, the return of Turkish Cypriots, but their escape from the island.

"Those who rule north Cyprus say that they do not know the number of Turkish Cypriots that left abroad ...

"According to the 1990 statistics, the population in north Cyprus is given as 171,469. Then this figure was corrected an dropped to 161,386. This is the reason how the population growth between 1974-1990 is calculated as 39.6-48.4 per cent. Between 1960-1990, the population growth of the Turkish Cypriots, if compared to that of the Greek Cypriots, should be, in 1975, 100,600 and, in 1990, 106,000. If one considers the high birth rate given by official statistics then this figure should be 100,900.

"According to these calculations in 1990, there were 65,500-70,600 foreigners in north Cyprus. Since 1990, three years have passed. How many Turkish Cypriots left the island during this time?

"What is the number that arrived during this time?

"How many of them received citizenship?

"How many of them will receive citizenship?

"Migration is a continuing process. People migrate from their country to another one for their living. One should not criticize these people who, in search for a living, leave their country. However, the dimensions of the action is different if population movement is being done with political considerations aimed at changing the demographic structure and the identity of a community.

"According to the German scientists, the demographic policy as regards the north Cyprus aims at the following: increasing the bargaining power at the intercommunal talks. Weakening the friendship ties existing between the two communities. To weaken the Turkish Cypriot community's contemporary values and strengthen the conservatives.

"We are not in a position to know how sound or right the conclusions drawn by the German scientists are. However, the concrete fact is that the Turkish Cypriot community with its population and identity has been put into the annihilation process.

"The Turks who arrived in 1975 are complaining as well about the state of affairs prevailing. The process forces their children as well to emigrate. In north Cyprus, which has turned into a place free for all, a chaotic situation exists.

"How and on whom will you apply, even if you enact the most democratic election law, in this chaotic situation.

"It is as important to democratize the communal structure and control of the population as democratizing the election law.

"It is not possible to talk about a democratic election before correcting the weak structure, which is open to foreign intervention and there is no control of arrivals and departures.

"This is a must. Due attention should be paid by those who favour a democratic election."

Kutlu Adali, writing in Yeniduzen (12 September 1993) about the settlers and their role in "elections", says that:

"The greatest and most effective intervention during the elections come from the tens of thousands of people brought from Turkey and settled in north Cyprus with the right to elect and to be elected. Against this incredible reality, people still sit down and conduct early election negotiations! In every election held here, the population transferred from Turkey, with an order from Ankara, always sided with the Denktash-NUP wing. Even if they resented the Denktash-NUP administration, those tens of thousands of people were forced to cast their votes in favour of the Denktash-NUP wing.

"If again during the coming months or years, whether normal or early elections are held, this very effective and oppressive intervention will

demonstrate its power again. It will give a deadly blow to democratic developments of the Cypriots. Especially, it will be tantamount to heading for an election without knowing what will be the pros and the cons of an early election in a country where the exact number of the mainland settlers is unknown.

"Ankara, soldiers and Denktash since 1974 are knowingly staging this play. Their aim and intention is, with a so-called democracy shroud, to keep Denktash and the people around him in the administration. they give 5-10 seats to the opposition - this to save the day.

"This play has been staged knowingly from the very beginning. Since Turkey never intends to take back these settlers, they will not only have an effective intervention in the elections, but in deciding the future of Cyprus as well. They will direct our so-called democracy. No one has considered such a guarantorship from the guarantor Turkey."

3. Ortam - 16 August 1993

According to Ortam, "Denktash's illegal regime continues to provide identity cards to mainland Turks. Between 10 and 12 August 1993, 500 'Identity Papers' were issued to mainland Turks".

Ortam stresses that, "according to reliable sources, 250 identity cards are issued each day, and that, as the so-called early elections are getting nearer, the illegal regime is speeding up the issue of the 'Identity Cards'." The paper says that, "on 27 July 1993, the Identity Cards serial number was 189,500, on 10 August this reached 189,900 and, on 12 August 1993, it was 190,200".

I would be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 54, and of the Security Council.

(Signed) Alecos SHAMBOS
Ambassador, Permanent Representative
of the Republic of Cyprus
to the United Nations

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/26507
30 September 1993

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter, dated 23 September 1993, from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stating that Mr. Paul Thomas Arkwright has been appointed alternate representative of the United Kingdom on the Security Council.

In the opinion of the Secretary-General, this letter constitutes adequate provisional credentials.

93-52905 (E) 011093 031093

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26508
30 September 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 27 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that at 0730 hours on 17 September 1993 six armed military vehicles, one of them a personnel carrier carrying soldiers, entered Iraqi territory from the direction of Saudi territory. They were accompanied by a white civilian pick-up truck, and one of the vehicles was flying a red flag. The vehicles entered from the north, opposite the Saudi Faydah post at a distance of 4 kilometres from monitoring post 251 located to the north-west of Amghar 40 kilometres along the boundary line. At 0830 hours on the same day, the vehicles returned from Iraqi territory in the direction of the Saudi post mentioned above.

The Government of the Republic of Iraq protests against this violation and calls upon you to intervene so that such acts of provocation by the Saudi regime are not repeated in future.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

93-52920 (E) 011093 011093 031093

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26509
2 October 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 29 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 27 September 1993 from Mr. Hamid Yusuf Hammadi, Acting Minister for Foreign Affairs of the Republic of Iraq, concerning the continuing violations of Iraqi airspace by United States, British and French aircraft on the pretext of enforcing the imposition by these countries of aerial exclusion zones in northern and southern Iraq in a manner that is unlawful and bears no relation to the resolutions of the Security Council

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Letter dated 27 September 1993 from the Acting Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I should like to refer to our letters to you concerning violations of Iraqi airspace by United States, British and French aircraft on the pretext of enforcing the imposition by these countries of aerial exclusion zones in northern and southern Iraq in a manner that is unlawful and bears no relation to the resolutions of the Security Council. Its true purpose has been, and continues to be, to pursue acts of conspiracy and aggression against Iraq and its people and to pose a threat to its security, stability and territorial integrity.

In this connection, I should like to inform you that at 1250 hours on 24 September 1993, United States, British and French aircraft broke the sound barrier over the city of Basra causing violent shock waves that broke the glass in the windows and doors of a large number of dwellings and dislodged some of them. This caused panic among the peaceable residents of the area, and particularly among women and children, who left their homes and went out into the streets for fear of injury from flying slivers of glass.

This fresh act of provocation once more confirms the insistence of the United States and its two allies on maintaining their iniquitous policy of provocation against Iraq and its people. Your intervention is therefore required with a view to bringing an end to the aerial exclusion zones imposed by these countries south of the 32nd parallel and north of the 36th parallel and having these countries halt their violation of Iraq's airspace and desist from interfering in its internal affairs in accordance with their obligations under the Charter of the United Nations.

The Government of the Republic of Iraq condemns this latest act of provocation and holds the Governments of the United States and its two allies fully responsible for their aggression against the security and safety of the Iraqi people.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hamid Yusuf HAMMADI
Acting Minister for Foreign Affairs
of the Republic of Iraq

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26510
2 October 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 29 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you of fresh violations by the Iranian side, during the period 3 August to 15 September 1993, of the provisions of the cease-fire and of the terms governing the area of separation between the two countries. The Iranian infractions are set forth hereunder.

1. On 3 August 1993, an armed Iranian patrol seized four Iraqi fishing boats with 35 fishermen on board near Khawr Abd Allah harbour. They were taken to Khawr Musa harbour and placed under guard. The owners of the boats, namely Abd al-Amir Khudayr Salman, Karim Yasin Shannan, Taha Yasin Shannan and Abd Allah Abd al-Rasul, were taken to the Iranian Dayr Abta' police centre and interrogated. The fishermen and the boats were returned to Iraq on 7 August 1993.

2. At 1230 hours on 9 August 1993, an Iranian bulldozer was seen working on the road leading to the Iranian oil well at coordinates 4458 opposite the Saddam post. At 1600 hours it ceased work and parked at coordinates 4456 inside the area of separation.

3. At 1230 hours on 9 August 1993, the Iranian side proceeded to establish a new position opposite Iraqi units. Over a one-hour period, a number of dump-trucks brought earth and unloaded it at the position. Subsequently, the Iranian flag was raised at coordinates 416635 inside the area of separation.

4. At 0850 hours on 11 August 1993, two Land Cruiser pick-up trucks carrying 5 to 10 persons were seen drawing up at coordinates 4157 opposite the Saddam post. The persons proceeded to build a mud hut near the oil well at the same coordinates inside the area of separation.

5. At 1100 hours on 13 August 1993, a group of an estimated nine soldiers from the Iranian side was seen carrying out maintenance work on the positions at coordinates 514501 inside the area of separation opposite the Fakkah post.

6. At 1100 hours on 16 August 1993, the Iranian side fired a smoke shell at coordinates 0594 opposite the Tib post and individuals on the Iranian side observed its point of impact inside the area of separation.

7. At 0900 hours on 17 August 1993, four Iranian soldiers were observed carrying out maintenance work on the positions at coordinates 518519 inside the area of separation opposite the Fakkah post.

8. At 2200 hours on 21 August 1993, the Iranian side occupied the abandoned Iranian regimental headquarters at coordinates 518529 inside the area of separation opposite the Fakkah post with a force estimated at infantry-company strength. This coincided with the presence of a Land Cruiser pick-up vehicle and a Mercedes dump-truck with six small water trailers. They proceeded to build a cane fence, adding to the old fence, and to illuminate it with electric lighting.

9. At 0545 hours on 25 August 1993, the Iranian side laid an ambush at coordinates 5461 (northern Majnun) at the location of the civilian engineering unit and succeeded in abducting five civilians and two soldiers together with their weapons.

10. At 0700 hours on 25 August 1993, five soldiers from the Iranian side were seen carrying corrugated iron sheets in order to repair and build a roof for a machine-gun position at coordinates 850080 inside the area of separation. Work continued for 15 minutes, and they then withdrew.

11. At 1010 hours on 25 August 1993, four soldiers from the Iranian side were seen carrying out maintenance work on a defensive position opposite the Bajliyah post inside the area of separation.

12. At 1135 hours on 29 August 1993, a small khaki-coloured helicopter belonging to the Iranian side was seen coming from the Iranian rear. It landed at the Iranian regiment at coordinates 518529 opposite the Fakkah post.

13. At 0916 hours on 30 August 1993, a group of individuals from the Iranian side at coordinates 560550 (northern Majnun) fired three rounds from a single-barrel machine-gun in the direction of the Iraqi units at coordinates 525558.

14. At 1200 hours on 30 August 1993, a group of an estimated 15 soldiers from the Iranian side was observed digging a communications trench and erecting barbed wire at the Iranian post inside the area of separation at coordinates 031933 opposite the Iraqi units. The work continued until 1245 hours.

15. At 0835 hours on 9 September 1993, 12 Iranian soldiers were observed building a brick hut inside the area of separation at coordinates 4256 opposite the Saddam post.

16. At 0940 hours on 9 September 1993, an Iranian helicopter was observed at a distance of 3 kilometres in front of Iraqi units. It then returned to the Iranian rear.

17. At 1050 hours on 9 September 1993, the Iranian side proceeded to instal barbed wire around the rampart screening the Iranian forward position at coordinates 918751 inside the area of separation.

18. At 0855 hours on 11 September 1993, 11 Iranian soldiers were seen digging two positions inside the area of separation at coordinates 514501 opposite the Fakkah post.

19. At 0855 hours on 12 September 1993, a group of individuals from the Iranian side estimated at infantry-platoon strength was observed training with an RPG-7 launcher inside the area of separation opposite the Fakkah post.

20. At 0830 hours on 13 September 1993, six individuals from the Iranian side were observed carrying out maintenance work on the Iranian positions at coordinates 517506 inside the area of separation opposite the Fakkah post.

21. At 1615 hours on 13 September 1993, individuals at the Iranian post at coordinates 562551 (northern Majnun) fired six rounds from a Dimitrov heavy machine-gun in the direction of our units.

22. At 1430 hours on 14 September 1993 the Iranian side fired a smoke shell from a 60-millimetre mortar from the Iranian position at coordinates 559523 (northern Majnun) which fell in front of Iraqi units 200 metres inside Iraqi territory.

23. On the night of 14/15 September 1993, the artillery of the Iranian regime shelled the villages of Daru Khan, Isma'il Agha, Jawusah and Harbir to the north-east of Panjwin 4 to 5 kilometres inside Iraqi territory. The shelling set fire to sown fields and caused displacement of the inhabitants.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26511
1 October 1993

ORIGINAL: ENGLISH

LETTER DATED 24 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF MOZAMBIQUE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to request that the attached document be circulated as a document of the Security Council.

(Signed) Pedro Comissario AFONSO
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the United Nations

Annex

Government position on United Nations Security Council resolution 863 (1993) of 13 September 1993

The Government of the Republic of Mozambique has the honour to present its position on resolution 863 (1993) of 13 September 1993 to the distinguished members of the Supervision and Control Commission, and through them to the international community, in the following terms.

The multiple questions raised by the resolution have been matters of concern to the Government for a considerable time. It has been making great efforts to resolve them, unfortunately without success. The Government is thus in total agreement with the appeals and recommendations contained in the resolution, and hopes that they will not yet again become a dead letter.

This resolution recalls the old Latin maxim "pacta sunt servanda" or "AGREEMENTS MUST BE FULFILLED". The importance of the General Peace Agreement (AGP), above all of its implementation, lies in the fact that it interprets and aims to satisfy or at least make viable the interests of the Mozambican people and State, namely socio-economic and cultural development. For this reason the Government identifies with and makes its own every effort towards fulfilling AGP, and highly appreciates all support received to this end.

The Government thus welcomes United Nations Security Council resolution 863 (1993), and salutes the international community that adopted it.

With regard to the content of the resolution, the Government would particularly like to restate its positions in relation to some vitally important questions:

1. The need to fulfil the provisions of the AGP, above all those relating to the cease-fire and troop movements (paragraph 2 of the resolution)

The Government remains convinced that the guarantee of success of the peace process, and in consequence of the establishment of a just and lasting peace in Mozambique, lies in the elimination of the subjective and objective factors of war that are still intact on the ground, and that not only serve as a constant threat to the peace that the country is currently essaying, but also make the whole process of pacification and democratization a hostage to weapons and to unstated objectives.

The most obvious manifestations of this serious and worrying situation are the continued training of men outside the framework of training the Mozambican Defence Force (FADM), and the troop movements that have been noted in various parts of the national territory.

The decisive process for eliminating such factors is the cantonment of all troops, in a process guided by the principle of simultaneity, though it may be begun and concretized by territorially delimited phases.

The Government reiterates its readiness to begin this process immediately, as already stated to this Supervision and Control Commission when Security Council resolution 850 (1993) of 9 July 1993 was under consideration, and repeated more recently by the President of the Republic.

2. On demobilization and the formation of the Mozambican Defence Force

Protocol IV.I.i.4 of the General Peace Agreement clearly establishes the principle that demobilization will take place simultaneously with the process of forming FADM, and will conclude when FADM has reached full strength. In this sense, the Government agrees with beginning demobilization as soon as the forces are in assembly points, and continuing it in the terms laid down in the General Peace Agreement.

For the Government, it is fundamental that when demobilization is completed there should already be an army in existence that can take on effective responsibility for the purposes set out in AGP itself, namely defending and safeguarding the country's sovereignty, independence and territorial integrity, protecting the civilian population against crime and all forms of violence in cooperation with the Police Command, intervening and helping in crises and emergencies arising from natural disasters, and supporting reconstruction and development efforts (Protocol IV.I.i.2).

These tasks belong to FADM, and nobody can carry them out in its place.

3. Consultative meeting between the Government and RENAMO and the other parties on the draft Electoral Law

The Government is in full agreement with the position taken by the Security Council on this matter. The total lack of progress in this meeting is due to the existence of forces that are determined to do everything possible to avoid holding elections in 1994. They are forces whose exclusive concern is to win power at any price, even when this signifies defrauding the Mozambican people of their right to self-determination. Going beyond a dismissal of the letter and spirit of what was agreed in Rome concerning the National Elections Commission, they reached the point of wanting to neutralize, handcuff and prevent the Government from assuming its responsibilities, including those relating to organization of the elections. They went as far as trying to transfer the debate of the draft from the appropriate forum in which it was taking place to this Supervision and Control Commission. When this attempt was rejected, they then tried to bring in the United Nations Operation in Mozambique (ONUMOZ) to replace the Government in the chair of the forum. It is these and other attempts, as well as a proliferation of delaying tactics, that have led to the current state of impasse.

The Government is aware that by blocking the discussion of the Draft Electoral Law in this way it is intended to limit or remove the right of Mozambican citizens to elect and be elected in the most free, just and transparent conditions, and to resolve the question of power by means of calculations that have no relation to the will expressed at the polling booths.

That is why the Government considers it imperative to bring this lamentable situation to an end, so that the elections may in fact be held in 1994.

4. On re-timetabling

An initial re-timetabling proposal submitted by ONUMOZ was carefully analysed by the Government, in the light of the General Peace Agreement. The in-depth observations that resulted were communicated to the Chairman of CSC in good time, and he was to continue working sessions with the parties until the new calendar to be formally approved in the Supervision and Control Commission was settled. The Government is still awaiting continuation of the discussion that had meanwhile been adjourned.

Once settled and approved, the timetable must be adhered to rigorously, with no further conditions or preconditions, as stated in the Security Council resolution.

The Government delegation to this Commission considers it useful and opportune to single out the above observations and comments.

Referring back to the appraisal we had occasion to make of Security Council resolution 850 (1993), we would like to register and welcome the evolution represented by the letter and spirit of the current resolution. In view of the difficulties and non-fulfilments that the process of implementing the General Peace Agreement is facing, there is a noteworthy effort to go beyond the indiscriminate distribution of responsibilities. We believe that it is only in this way, using just and objective criteria in its analysis and verdicts, that ONUMOZ will support the Mozambican peace process effectively, and only in this way will it gain respect and credibility, particularly among Mozambicans and in southern Africa.

The Government will continue to do all it can to support and facilitate the task of ONUMOZ.

UNITED NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/48/459
S/26512
30 September 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda items 34 and 35
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-eighth year

Letter dated 29 September 1993 from the Permanent Representative of Ghana to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith, the texts of a statement (see annex I) issued by the Government of Ghana and messages (see annexes II and III) sent by His Excellency, President Jerry John Rawlings, to the leader of the Palestine Liberation Organization (PLO), Mr. Yasser Arafat, and Israeli Prime Minister, Mr. Yitzhak Rabin, on the recent PLO-Israel agreement.

I should be grateful if you would have the text of the present letter and its annexes circulated as a document of the General Assembly, under agenda items 34 and 35, and of the Security Council.

(Signed) Kofi N. AWOONOR
Ambassador
Permanent Representative

ANNEX I

Statement issued on 13 September 1993 by the Government of Ghana on the agreement signed between the Palestine Liberation Organization and the Government of Israel

1. The Government of Ghana welcomes the historic agreement of mutual recognition just signed between the Palestine Liberation Organization (PLO) and the Government of Israel. The Government of Ghana also expresses its satisfaction with the Declaration of Principles agreed on between the PLO and Israel which provides for Palestinian autonomy in Gaza and the West Bank town of Jericho.

2. The PLO leader, Mr. Yasser Arafat, and the Israeli Prime Minister, Mr. Yitzhak Rabin, deserve the wholehearted congratulations of all peace-loving people. It is their courage, foresight, determination and outstanding statesmanship that have made this important breakthrough possible.

3. These agreements remove a major obstacle to peace in the Middle East. It is the beginning of the end of decades of war, mistrust, violence, destruction, wanton killing and suffering that the Arab-Israeli conflict has brought to the people of the Middle East.

4. For many years now, Ghana, along with the international community, has called for recognition of the PLO as the sole legitimate representative of the Palestinian people and for the Palestinian people to have a homeland of their own.

5. The Government of Ghana urges the international community as a whole to support these two agreements, which together constitute a solid foundation for a just, comprehensive and lasting peace in the Middle East. In this regard, the Government of Ghana welcomes indications on the part of the major donor countries and multilateral institutions that they will extend economic assistance to the Gaza and Jericho areas which are to come immediately under Palestinian autonomy.

6. It is the sincere hope and expectation of the Government of Ghana that the spirit and letter of Security Council resolutions 242 (1967) and 338 (1973) will be fully implemented by the end of the five-year autonomy plan.

7. In the light of the changed circumstances in the Middle East, the Government of Ghana believes that it is now opportune to review the 1973 decision of the Organization of African Unity, which led to the severance of relations with Israel by member States of the Organization. Accordingly, the Government of Ghana will take steps in that direction.

ANNEX II

Letter dated 13 September 1993 from the President of Ghana to the Chairman of the Palestine Liberation Organization

1. On the momentous occasion of the signing of the agreement between the PLO and the Government of Israel on autonomy in the Gaza Strip and West Bank town of Jericho, I have the pleasure of extending to you and the other members of your team on behalf of the people and Government of Ghana and in my own name, sincere felicitations and best wishes.

2. The road to final peace in Palestine and the Middle East as a whole will no doubt continue to be fraught with danger, but I am confident that the courage, wisdom and statesmanship with which you have led the Palestinian people up to this historic stage in their struggle for national independence will continue to guide and inspire you in overcoming the challenges and obstacles ahead.

3. I wish for my part to assure you of the continued support of the people and Government of Ghana to the aspirations of the people of Palestine and the PLO.

4. We will continue to follow with keen interest and understanding the new era of reconstruction, peace and prosperity which is dawning in a region that has seen so much violence and human suffering.

ANNEX III

Letter dated 14 September 1993 from the President of Ghana to the Prime Minister of Israel

1. On the occasion of the signing of the agreement with the PLO on autonomy for the Palestinians in the Gaza Strip and the West Bank town of Jericho, I have great pleasure, on behalf of the people and Government of Ghana and in my own name, to extend heartfelt congratulations to you on your exceptional courage and statesmanship in bringing about this historic achievement.

2. We in Ghana are fully aware that so many decades of mistrust, violence and destruction cannot be dissipated overnight. However, we are confident that the courageous leadership that you have manifested in taking this momentous step on the road to peace will eventually unite the people of Israel behind you in seeking justice for the Palestinians and a lasting peace in the Middle East through the faithful implementation of Security Council resolutions 242 (1967) and 338 (1973).

3. I am confident that the new era of peace and reconciliation in the Middle East opens the way for our two Governments and peoples to revive, in the near future, our traditional friendship and cooperation to our mutual benefit.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26513
30 September 1993

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming its resolution 743 (1992) and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Reiterating its determination to ensure the security of UNPROFOR and its freedom of movement for all its missions, and to these ends, as regards UNPROFOR in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. Decides to extend UNPROFOR'S mandate for an additional period terminating on 1 October 1993;

2. Decides to remain actively seized of the matter.

93-53038 (E) 300993 300993

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/48/461
S/26514
30 September 1993
ENGLISH
ORIGINAL: ENGLISH/FRENCH

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 38
ELIMINATION OF APARTHEID AND ESTABLISHMENT OF A UNITED, DEMOCRATIC AND NON-RACIAL SOUTH AFRICA

SECURITY COUNCIL
Forty-eighth year

Letter dated 29 September 1993 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the statement on developments in South Africa, adopted by the Ad Hoc Committee on Southern Africa of the Organization of African Unity (OAU) at its extraordinary session of the Ministers for Foreign Affairs, held on 29 September 1993 in New York (see annex), and request you to have it circulated as an official document of the General Assembly, under agenda item 38, and of the Security Council.

(Signed) Nabil A. ELARABY
Permanent Representative of Egypt
to the United Nations
Representative of the Current
Chairman of the OAU

ANNEX

Statement on developments in South Africa, adopted by the Ad Hoc Committee on Southern Africa of the Organization of African Unity at its extraordinary session of the Ministers for Foreign Affairs, held in New York on 29 September 1993

An Extraordinary Ministerial meeting of the Ad hoc Committee of the OAU on Southern Africa took place in New York today 29 September 1993, to review the Situation in South Africa in the light of the latest developments in the peace process. The Ministers considered the Report presented by the Secretary General of the OAU on the current developments in South Africa. The Ministers were also fully briefed by the President of the African National Congress (ANC) and the Secretary General of the Pan-Africanist Congress of Azania (PAC) on the state of play in the negotiations process.

The Committee was informed that four pieces of legislation, namely, the Independent Electoral Commission (IEC), the Independent Media Commission (IMC), the Independent Broadcasting Authority (IBA), and the Transitional Executive Council (TEC) have been adopted by both the Negotiating Council and the South African Parliament and are in the process of being enacted into law.

Bearing these encouraging developments in mind, and taking account of the fact that the broad spectrum of the people of South Africa believe enough progress has been made in their process of transition to democracy to necessitate the lifting of economic sanctions imposed on South Africa over the years, the OAU cannot but recognize this reality and act in consonance with the wishes of the people of South Africa, even as it recognizes the fact that there exists a difference between the two Liberation Movements, the ANC and the PAC on the timing of the lifting of these sanctions.

In response to the appeal made for the lifting of all economic sanctions, the Ad hoc Committee on Southern Africa, on behalf of the OAU, calls upon all the African States, the International Community at large and the United Nations in particular, to respond positively to this appeal.

More specifically, the Ad hoc Committee supports the call for the lifting of all economic sanctions with the exception of those relating to the arms embargo and nuclear matters. With respect to the oil embargo, the Committee urges that this should be lifted after the establishment and commencement of the work of the Transitional Executive Council (TEC). The Committee also supports the establishment or restoration of full diplomatic relations with South Africa following the installation of an elected Interim Government of National Unity, pursuant to the elections to be held on 27 April 1994.

At the same time, the OAU appeals to its Member States and the International Community at large to help the people of South Africa in the economic reconstruction of their country and in ensuring that the new South Africa whose birth, hopefully we will soon witness,begins its existence on a firm economic foundation.

Finally, while encouraging the development of constructive relations with South Africa with a view to providing firm support towards democratic change, the Ad hoc Committee also calls upon all OAU Member States and the world at large to continue exercising vigilance with respect to developments in South Africa. Such vigilance is of the essence in order to ensre that the common objective of the people of South Africa, the peoples of Africa and the peoples of the world for a democratic, non-racial and united South Africa is achieved without deviation or obstruction.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/26515
30 September 1993

ORIGINAL: ENGLISH

LETTER DATED 27 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that with the enforcement of mandatory sanctions, according to paragraphs 17 to 25 of resolution 864 (1993), of 15 September 1993, at 0000 hours of 25 September 1993, all goods whose final destination is the Republic of Angola in the first stage should enter the port of Luanda.

The Government of the Republic of Angola reserves the right to indicate other ports of entry at a later stage.

I also hereby request that this document be circulated as a document of the Security Council.

(Signed) Afonso VAN DUNEM "MBINDA"
Ambassador
Permanent Representative

93-53015 (E) 300993 300993

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/26516
30 September 1993

ORIGINAL: ENGLISH

LETTER DATED 29 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit the following message from His Excellency Mr. Eduardo dos Santos, President of the Republic of Angola, with the request that this document be circulated as a document of the Security Council.

(Signed) Afonso VAN-DUNEM "MBINDA"
Ambassador
Permanent Representative

Annex

Letter dated 25 September 1993 from the President of the Republic of Angola addressed to the Secretary-General

It is a pleasure to address you regarding issues pertaining to the present situation in Angola and to provide the positions of the Angolan Government with respect to the so-called peace proposal of the National Union for the Total Independence of Angola (UNITA).

Therefore, I am enclosing with this letter our peace platform. In it you will note our firm intention to attempt to find a peaceful solution for the conflict under a framework of principles that will allow us to attain a solid and definitive peace in Angola.

We appreciate the positions that the Security Council has taken in relation to the Angolan conflict. We encourage it to continue this line of action with the necessary firmness, so that Mr. Jonas Savimbi will be convinced once and for all that his only option is to renounce war permanently and accept the universal principles of democracy, principles that rule the Republic of Angola.

I want to emphasize that the so-called peace proposal presented by UNITA could not constitute the basis of resumed peace negotiations. The proposal attempts to be, in appearance, a desire to terminate the war, with its reference to an "in situ" cease-fire. In reality, it represents a subtle denial of all the principles that should establish the basis for lasting solutions to the conflict, namely those that are included in the Bicesse Accords and the Security Council resolutions on Angola.

We would have liked to have been able to identify signs in UNITA's document that would reveal an attempt at a serious and well-intentioned proposal. Unfortunately, we see that UNITA is planning a dangerous manoeuvre by which it attempts to bypass its obligation to comply with the aforementioned criteria.

It cannot be stressed enough that all the political activity undertaken by UNITA on the eve of the Security Council meeting of 15 September 1993 was not done with a peaceful and immediate solution to the conflict in mind. UNITA only took this action to avoid having sanctions imposed. UNITA knew that if sanctions were imposed, it would be forced to negotiate under the framework defined in the Bicesse Accords and the resolutions of the Security Council.

As you may understand, the Angolan Government, the troika of international observers to the peace process and even the international community are once again facing another round of manoeuvres previously attempted by UNITA in similar circumstances, when they were subjected to strong international pressure.

This fact persuades us to proceed most carefully so that UNITA will not again take advantage of the benefit of the doubt that was being conceded to it. This allowed UNITA to maintain the inflexible and arrogant position it has taken since the meeting in Namibia, and carried to Addis Ababa and Abidjan.

I believe that you will recall that in the meetings for a search for a peaceful solution to the Angolan conflict, held in the above-mentioned locations, UNITA violated previous agreements. UNITA assumed positions that successively annulled previously reached obligations. At the same time that UNITA was taking advantage of the expectations for peace it created through the contacts that it maintained, it increased its illegal occupation of Angolan territory, as occurred in cities such as Uige, Negage, Soyo and Huambo.

I should point out that UNITA is repeating these same actions in the city of Kuito. With its "in situ" cease-fire proposed in Kuito, UNITA is able to move its soldiers into more advantageous positions, closing in on the defensive lines of the government forces defending the city.

We ask ourselves how long UNITA, with its strategy to divide the country, can maintain the farce of a cease-fire when the occupation of Kuito constitutes a fundamental component of its plans. In addition, it is worth noting that, within this strategy, UNITA is building a constituency convinced of the necessity of having United Nations forces monitor the "in situ" cease-fire. These forces would, in practice, then act as buffer forces and the "de facto" division of the country would be accomplished.

It is important to mention that UNITA only suspended its attacks on Kuito due to the fact that this city is now at the centre of attention of national and international public opinion.

Nevertheless, UNITA continues its offensives against other points in the country. In particular, the attacks that stand out are against Quilengues, Cuvelai, Que, Lobito, Ganda and Chongoroi, as well as ambushes against civilians and military and civilian vehicles across the country.

Within this context, we would like to be able to continue to count on your assistance in reinforcing the measures of the international community, in order to compel UNITA to exercise serious and constructive dialogue which would benefit the re-establishment of peace in Angola.

I ask you to please circulate this letter among all members of the Security Council.

Jose Eduardo DOS SANTOS
President of the Republic of Angola

Enclosure

Peace Plan of the Republic of Angola

"The desire for stability and peace in the Republic of Angola is an immediate necessity demanded by all Angolans."

This was the objective of the Bicesse Accords in which the Angolan people and the international community joined their efforts. These accords resulted in the holding of free and fair multi-party elections, and, consequently, the establishment of a new constitutional framework, recognized and accepted by all Member countries of the United Nations.

Taking into account the fact that UNITA's leader has consistently assumed a position that is not serious and has defied, not only the Angolan people, but also the demands of the international community, as stated in the relevant United Nations resolutions on Angola, namely, Security Council resolutions 804 (1993), 811 (1993), 823 (1993), 834 (1993) and 851 (1993), the Angolan Government considers that the foundation for the resolution of the post-electoral crisis unleashed by UNITA should be based on the following principles:

1. UNITA military forces should be withdrawn from territories that were illegally occupied after the multi-party elections held on 29 and 30 September 1992. This action should be followed by a cease-fire under the relevant resolutions of the United Nations Security Council;

2. The unimpeded access for humanitarian aid and immediate evacuation of the wounded, ill and foreigners after the cease-fire, must take place;

3. Complete and unequivocal acceptance of the validity of the Bicesse Accords and the results of the elections held in September 1992;

4. Respect for the legislation produced by the instruments of sovereignty instituted as a result of the elections;

5. The Angolan Government reiterates its willingness to resume negotiations once the conditions for these negotiations have been established.

Luanda, 22 September 1993

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26517
30 September 1993

ORIGINAL: ENGLISH

LETTER DATED 30 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVES OF CHINA, FRANCE, THE RUSSIAN FEDERATION, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

We have the honour to enclose the text of the statement issued following the meeting which you held on 30 September 1993 with our Ministers of Foreign Affairs. We should be grateful if you would arrange for it to be circulated as a document of the Security Council.

(Signed) LI Zhaoxing
Permanent Representative of
China to the United Nations

(Signed) Jean-Bernard MERIMEE
Permanent Representative of
France to the United Nations

(Signed) Yuli M. VORONTSOV
Permanent Representative of
the Russian Federation to
the United Nations

(Signed) David HANNAY
Permanent Representative of the
United Kingdom of Great Britain and
Northern Ireland to the United Nations

(Signed) Madeleine K. ALBRIGHT
Permanent Representative of the
United States of America to the
United Nations

Annex

Statement issued on 30 September 1993 by the Ministers for Foreign Affairs of the five permanent members of the Security Council following a meeting with the Secretary-General

On 30 September 1993, the Ministers for Foreign Affairs of the five permanent members of the Security Council met with the Secretary-General of the United Nations, H.E. Boutros Boutros-Ghali. Taking part were the Vice Premier and Minister of Foreign Affairs of the People's Republic of China, H.E. Mr. Qian Qichen; the Minister of Foreign Affairs of France, H.E. Mr. Alain Juppe; the Minister of Foreign Affairs of the Russian Federation, H.E. Mr. Andrey Kozyrev; the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, H.E. Mr. Douglas Hurd; and the Secretary of State of the United States of America, H.E. Mr. Warren Christopher.

The Ministers congratulated the Secretary-General on his continued outstanding service to the United Nations and to the principles embodied in its Charter. They pledged strong support for efforts to improve the efficiency of the United Nations and to revitalize the Organization's peace-keeping capabilities.

The Ministers noted the fivefold increase in United Nations peace operations over the past five years: the numerous requests for additional missions due to the proliferation of local conflicts; the heightening in the level of danger and complexity of such missions; the efforts under way to improve the Organization's peace-keeping capabilities; the need for the United Nations to cooperate closely with regional organizations; and the value of preventive diplomacy within the framework of the United Nations Charter.

Bearing these concerns in mind, the Ministers agreed, in the spirit of the Secretary-General's "Agenda for Peace", to cooperate in strengthening the capabilities of the United Nations to carry out the full spectrum of peace-keeping operations under the authority of the Security Council. They took note of the work being done on peace-keeping reform and stressed the importance of improving budget procedures; modernizing command, control and communications; professionalizing and institutionalizing planning and civilian training functions and enhancing public affairs capabilities and establishing a high degree of coordination among States willing to contribute troops and other forms of material assistance to United Nations peace operations. In this context, the Ministers welcome the contacts in train between the Secretariat and member States concerning the notification by member States of specific forces or capabilities which with the approval of national authorities they could make available to the United Nations on a case-by-case basis.

Given the gap between current demands on the United Nations and its capabilities pending the reforms mentioned above, the Ministers affirmed that new commitments should be weighed very carefully, and made only after fundamental questions of mandate, objectives, adequacy of force, availability of resources, risk to personnel and length of mandate have been examined and satisfactorily resolved.

The Ministers expressed the belief that experience gained in United Nations peace-keeping operations in recent years, such as in Namibia, El Salvador and Cambodia, provides a basis for confidence that continued efforts to strengthen capabilities will yield good results. They stressed the importance of applying the lessons learned in past and current operations, and observed that in this new era, establishing a durable peace often requires sustained effort both by the international community and by the people of the State or States involved.

The Ministers reviewed with the Secretary-General a number of the peace-keeping missions that are currently proposed or under way.

In that regard, the Ministers paid tribute to the accomplishments of the United Nations in Cambodia and noted with satisfaction that the United Nations Transitional Authority in Cambodia successfully fulfilled its mandate. Cambodia's return to constitutional government is a major achievement for the United Nations and the Cambodian people. The Ministers agreed to consider, on the advice of the Secretary-General and at the request of the Cambodian Government, how a continued United Nations presence, which might include a modest number of military observers, would contribute further to peace and stability after the departure of UNTAC.

The Ministers stressed the importance they attach to the role the United Nations is playing in helping to resolve conflicts in Africa. In this context they noted the progress that has been made in Somalia in ending famine, restoring secure conditions throughout most of the country and establishing a framework for national reconciliation. They agreed on the importance of further steps to enhance security and to achieve a political settlement. They also reviewed the situation in Angola, Mozambique, Rwanda and Liberia and the contributions the United Nations can make to resolve these conflicts.

The Ministers expressed their support for the measures taken by the Secretary-General and the Security Council to assist in bringing to an end the conflicts on the territory of the former USSR, in particular in Abkhazia (Republic of Georgia), in border areas of Tajikistan and in support of the CSCE in the Nagorny Karabakh region of the Azerbaijani Republic. They welcomed the peace-keeping efforts of the Russian Federation and other independent States of the former Soviet Union to establish and monitor cease-fires and facilitate negotiated solutions, with the agreement of the countries concerned.

The Ministers discussed the situation in the former Yugoslavia. They called upon all parties to reach urgently a negotiated solution to the conflict in Bosnia which will permit the implementation of the peace-keeping operation envisaged in the Stoltenberg-Owen Plan under the aegis of the United Nations. They stated their determination to act under the relevant Security Council resolutions to enable UNPROFOR to carry out its peace-keeping and humanitarian aid mandates successfully, and to implement resolutions 808 and 827 by establishing and supporting an international tribunal to investigate and prosecute those responsible for the gross violations of international humanitarian law that have occurred within former Yugoslavia since 1991.

The Ministers noted that the role of the United Nations continues to grow in importance, creating new opportunities while also placing severe stress on the financial and other resources of the Organization. They stressed the common

stake that all States and peoples have in assisting the United Nations to meet its potential as a forward-looking force for peace, development and the other objectives of the Charter.

The Ministers stressed the need for all Member States to pay their contributions in full and on time. The Ministers expressed the view that global problems cannot be dealt with successfully unless international institutions, including the United Nations, are strengthened, which will not happen in the absence of broad public support. They agreed that the United Nations and its agencies and programmes must be effective, disciplined and accountable. In that regard, they emphasized the importance of strengthened oversight of United Nations operations and welcomed recent steps in that direction.

The Ministers stressed the need for close cooperation and coordination between the United Nations peace-keeping and humanitarian assistance operations. They condemned the obstruction of deliveries of humanitarian assistance and attacks on relief workers that have occurred in some States. They called upon all States and all parties in an armed conflict to abide by their obligations under international humanitarian law to allow effective and unhindered delivery of humanitarian assistance.

The Ministers viewed with great satisfaction the breakthrough agreement that has been reached between the State of Israel and the Palestine Liberation Organization. They note that the agreement is consistent with resolutions 242 and 338 of the Security Council and that it takes into account the right to security for all parties in the region, including Israel, and takes account of the legitimate political rights of the Palestinian people. The Ministers expressed the hope that this first agreement will facilitate additional agreements which, taken together, will constitute a comprehensive, just and lasting peace. The Ministers urged the international community to mobilize resources in order to see that the agreement produces tangible improvements in the security and daily lives of Palestinians and Israelis. They stressed the need to start improving immediately the economic situation in Gaza and the West Bank.

The Ministers discussed developments in Iraq. They welcomed the recent contacts between UNSCOM and Iraq but reaffirmed that Iraq must fully comply with all applicable Security Council resolutions.

The Ministers expressed strong and continued support for the movement towards democracy and an end to all forms of apartheid in South Africa. They welcomed efforts by leaders of all sides to avoid additional violence and discord, while noting with appreciation the constructive role being played in South Africa by United Nations and other international peace observers. They urged all South African parties to redouble their efforts to reach consensus on the transitional arrangements and constitutional issues still outstanding and to proceed to elections in the coming year.

The Ministers thanked the Secretary-General for his invitation to meet, pledged their continued commitment to a stronger and more effective United Nations and agreed to remain in close consultation about issues of widespread international concern.